

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

CARMEN CARTER

C-1-00-739

Plaintiff

Judge S. Arthur Spiegel

vs

THE E. W. SCRIPPS COMPANY

Defendant

MOTION FOR LEAVE TO PROCEED  
IN FORMA PAUPERIS

Now comes Plaintiff, Carmen Carter, requesting the Court accept and grant this motion and the attached Affidavit in Support of Motion to Proceed In Forma Pauperis.

As the Plaintiff is unemployed and overwhelmed by Major Depressive Disorder, she petitions the District Court grant permission to proceed In Forma Pauperis pursuant to 28 USC §1915. A copy of the Order granting Plaintiff's Motion to Proceed In Forma Pauperis on her twin case (C-1-00-977) is attached for the Court's edification.

Title 28 USC §1915 is designed to insure indigent litigants have meaningful access to the federal courts and is in keeping with Congress' goal of assuring equality of consideration for all litigants.

The lenient standard for frivolousness under §1915 permits dismissal only if a petitioner cannot make a rational argument in law or fact, *Abner v SBC (Ameritech)*, 86 Fed. Appx. 958, 2004 U.S. App. LEXIS 2110 citing *Neitzke v Williams*, 490 U.S. 319, 325, 104 L. Ed. 2d 338, 109 S. Ct. 1827 (1989).

A complaint lacks an arguable basis in law or fact if it contains factual allegations that are "fantastic or delusional". *Neitze v Williams*, at 327-28.

Further, "merit" is not the yard stick by which *in forma pauperis* status is granted.

"...the Supreme Court has made it clear that merit or lack of merit is not the test. When a district court receives an application for leave to proceed in forma pauperis, it should examine the papers and determine if the requirements...are satisfied. If they are, leave should be granted. Thereafter, if the court finds that the allegations of poverty are untrue or that the action is frivolous or malicious, it may dismiss the case but in so doing it should clearly state the grounds for such action."

*Ragan v Cox*, 305 F.2d 58 (10<sup>th</sup> Cir. 1962).

Under the standards of *Neitzke v Williams*, the Plaintiff qualifies for *in forma pauperis* status.

A Notice of Appeal to the Sixth Circuit Court of Appeals accompanies  
this motion.

Respectfully submitted,

Carmen Carter

Carmen Carter  
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document has been  
served via ordinary U.S. mail August 2, 2004, upon David Holcombe, Baker &  
Hostetler, 312 Walnut Street, Cincinnati, OH 45202 - attorney for the  
Defendant, The E. W. Scripps Company.

Carmen Carter

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